

HOUSE BILL NO. 305

INTRODUCED BY E. ARNTZEN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON WHO WISHES TO PURCHASE A HUNTING, FISHING, OR TRAPPING LICENSE MAY, IN LIEU OF PURCHASING A WILDLIFE CONSERVATION LICENSE, PAY AN ADMINISTRATIVE FEE AS A PREREQUISITE TO PURCHASING THE HUNTING, FISHING, OR TRAPPING LICENSE; PROVIDING THAT PROOF OF PAYMENT OF THE ADMINISTRATIVE FEE MAY BE SUBSTITUTED FOR THE WILDLIFE CONSERVATION LICENSE FOR LICENSING PURPOSES; ESTABLISHING THE LICENSING INFORMATION REQUIRED OF A PERSON WHO PAYS THE ADMINISTRATIVE FEE, WHICH MAY NOT INCLUDE A PERSON'S SOCIAL SECURITY NUMBER; SETTING THE PRICE OF THE ADMINISTRATIVE FEE EQUIVALENT TO THE PRICE OF THE WILDLIFE CONSERVATION LICENSE; ALLOWING AN APPLICANT FOR A LICENSE AS AN OUTFITTER OR GUIDE TO SHOW PROOF OF PAYMENT OF THE ADMINISTRATIVE FEE IN LIEU OF PURCHASING A WILDLIFE CONSERVATION LICENSE; PROVIDING THAT RESIDENTS OVER 62 YEARS OF AGE, LEGION OF VALOR MEMBERS, DISABLED PERSONS, AND RESIDENT MINORS MAY USE PROOF OF PAYMENT OF THE ADMINISTRATIVE FEE IN THE SAME MANNER AS A WILDLIFE CONSERVATION LICENSE WHEN EXERCISING CERTAIN HUNTING OR FISHING PRIVILEGES EXTENDED TO THOSE PERSONS; ALLOWING A TRAPPER TO ATTACH PROOF OF PAYMENT OF THE ADMINISTRATIVE FEE TO TRAPS; AMENDING SECTIONS 37-47-302, 37-47-303, 37-47-304, 87-2-106, 87-2-201, 87-2-202, 87-2-203, 87-2-204, 87-2-205, 87-2-304, 87-2-306, 87-2-307, 87-2-308, 87-2-403, 87-2-504, 87-2-505, 87-2-510, 87-2-701, 87-2-711, 87-2-801, 87-2-803, 87-2-805, AND 87-3-504, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Payment of administrative fee in lieu of purchase of wildlife conservation license -- terms of payment and information required. (1) In lieu of purchasing a wildlife conservation license pursuant to 87-2-201, a person may pay an administrative fee to the department in the same amount provided for a wildlife conservation license in 87-2-202(3)(a) or (3)(b), as appropriate for a resident or nonresident. [Payment of the administrative fee must also include payment of the appropriate resident or

nonresident hunting access enhancement fee required under 87-2-202(3)(c) or (3)(d).]

(2) Upon payment of the administrative fee provided for in subsection (1), the department shall issue a receipt to the payor, and the receipt may be used as a prerequisite for purchasing a hunting, fishing, or trapping license in the same manner as a wildlife conservation license. The receipt may also be used in the same manner as a wildlife conservation license for purposes of the hunting or fishing privileges extended to residents over 62 years of age and legion of valor members under 87-2-801, to disabled persons pursuant to 87-2-803, and to resident minors pursuant to 87-2-805.

(3) Before accepting payment of the administrative fee in subsection (1), the department may require of the payor all information required pursuant to an application for a wildlife conservation license under 87-2-202(1), except that the payor may not be required to provide a social security number. It is the payor's burden to provide documentation establishing the payor's identity and qualifications to pay the administrative fee. It is unlawful and a misdemeanor for a license agent to accept payment of an administrative fee from a person who fails to produce the required identification at the time of payment.

(4) Payment of the administrative fee qualifies the payor to use the receipt pursuant to this section only through the last day of February succeeding the payment.

Section 2. Section 37-47-302, MCA, is amended to read:

"37-47-302. Outfitter's qualifications. An applicant for an outfitter's license or renewal of a license must meet the following qualifications:

(1) be 18 years of age or older, be physically capable and mentally competent to perform the duties of an outfitter, and meet experience, training, and testing requirements as prescribed by board rule;

(2) own or hold under written lease or represent a company, corporation, or partnership who owns or holds under written lease the equipment and facilities that are necessary to provide the services advertised, contracted for, or agreed upon between the outfitter and the outfitter's clients (all equipment and facilities are subject to inspection at all reasonable times and places by the board or its designated agent);

(3) have demonstrated a respect for and compliance with the laws of any state or of the United States and all rules promulgated under those laws related to fish and game, conservation of natural resources, and preservation of the natural ecosystem without pollution of the ecosystem;

(4) have not, at any time, practiced fraud, deception, or material misrepresentation in procuring any previous outfitter's, guide's, professional guide's, or conservation license from the state of Montana or when

1 paying the administrative fee pursuant to [section 1];

2 (5) have not, at any time, promulgated any false or misleading advertising relating to the business of
3 outfitting."

4
5 **Section 3.** Section 37-47-303, MCA, is amended to read:

6 **"37-47-303. Guide's and professional guide's qualifications.** (1) An applicant for a guide's or
7 professional guide's license must meet the following qualifications:

8 (a) be 18 years of age or older and be physically capable and mentally competent to perform the duties
9 of a guide or professional guide;

10 (b) be endorsed and recommended by an outfitter with a valid license; and

11 (c) have been issued a valid wildlife conservation license or have paid the administrative fee pursuant
12 to [section 1].

13 (2) In addition to the requirements listed in subsection (1), an applicant for licensure as a professional
14 guide must meet additional experience requirements, to be set by board rule, and may be required to show proof
15 of training or pass a qualifying examination when required by board rule."

16
17 **Section 4.** Section 37-47-304, MCA, is amended to read:

18 **"37-47-304. Application.** (1) Each applicant for an outfitter's, guide's, or professional guide's license
19 shall apply for a license on a form prescribed and furnished by the board.

20 (2) The application for an outfitter's license forms the basis for the outfitter's operations plan and must
21 include:

22 (a) the applicant's full name, residence, address, conservation license number or proof of payment of
23 the administrative fee pursuant to [section 1], driver's license number, birth date, physical description, and
24 telephone number;

25 (b) the address of the applicant's principal place of business in the state of Montana;

26 (c) the amount and kind of property and equipment owned and used in the outfitting business of the
27 applicant;

28 (d) the experience of the applicant, including:

29 (i) years of experience as an outfitter, guide, or professional guide;

30 (ii) the applicant's knowledge of areas in which the applicant has operated and intends to operate; and

(iii) the applicant's ability to cope with weather conditions and terrain;

(e) a signed statement of the licensed outfitter for each guide and professional guide to be employed or retained as an independent contractor, stating that the guide or professional guide is to be employed by the outfitter and stating that the outfitter recommends the guide or professional guide for licensure;

(f) an affidavit by the outfitter to the board that the equipment listed on the application is in fact owned or leased by the applicant, is in good operating condition, and is sufficient and satisfactory for the services advertised or contemplated to be performed by the applicant;

(g) a statement of the maximum number of participants to be accompanied at any one time;

(h) the written approval of the appropriate agency or landowner on whose lands the applicant will provide services or establish hunting camps; and

(i) the boundaries of the proposed operation, stating when applicable:

(i) the name and portion of river;

(ii) the county of location;

(iii) the legal owner of the property;

(iv) the name of the ranch;

(v) the proposed service, including the type of game sought;

(vi) the name of the agency granting use authority; and

(vii) other means of identifying boundaries as established by board rule.

(3) Applications for an outfitter's license must be in the name of an individual person only. Applications involving corporations, proprietorships, or partnerships must be made by one individual person who qualifies under the provisions of this part. A license issued pursuant to this part must be in the name of that person. Any revocation or suspension of a license is binding upon the individual person and the corporation, proprietorship, or partnership for the use and benefit of which the license was originally issued.

(4) Application must be made to and filed with the board.

(5) Only one application for an outfitter's license may be made in any license year. If an application is denied, subsequent applications by the same applicant for the license year involved are void, except as provided in 37-47-308."

Section 5. Section 87-2-106, MCA, is amended to read:

"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges. (1) (a) A

1 license may be procured from the director, a warden, or an authorized agent of the director. ~~The~~ Except as
2 provided in subsection (1)(b), the applicant shall state the applicant's name, age, [social security number,]
3 occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in
4 the state of Montana, and status as a citizen of the United States or as an alien and other facts, data, or
5 descriptions as may be required by the department. An applicant for a resident license shall present a valid
6 Montana driver's license, Montana driver's examiner's identification card, or other identification specified by the
7 department to substantiate the required information. It is the applicant's burden to provide documentation
8 establishing the applicant's identity and qualifications to purchase a license. It is a misdemeanor for a license
9 agent to sell a hunting, fishing, or trapping license to an applicant who fails to produce the required identification
10 at the time of application for licensure. Except as provided in subsections (2) through (4), the statements made
11 by the applicant must be subscribed to before the officer or agent issuing the license.

12 (b) An applicant who has paid an administrative fee pursuant to [section 1] may not be required to
13 provide a social security number.

14 (2) Except as provided in subsection (3), department employees or officers may issue licenses by
15 telephone, by mail, on the internet, or by other electronic means. Statements on an application for a license to
16 be issued by telephone, by mail, on the internet, or by other electronic means need not be subscribed to before
17 the employee or officer.

18 (3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the director
19 and shall submit at the time of application a notarized affidavit that attests to fulfillment of the requirements of
20 87-2-102(7). The director shall process the application in an expedient manner.

21 (4) A resident may apply for and purchase a wildlife conservation license, hunting license, or fishing
22 license and may pay an administrative fee pursuant to [section 1] for the resident's spouse, parent, child, brother,
23 or sister who is otherwise qualified to obtain the license or pay the administrative fee.

24 (5) A license is void unless subscribed to by the licensee.

25 (6) It is unlawful to subscribe to or make any statement, on an application or license, that is materially
26 false. Any material false statement contained in an application renders the license issued pursuant to it void. A
27 person violating any provision of this subsection is guilty of a misdemeanor.

28 (7) It is unlawful for a nonresident to pay the resident administrative fee in lieu of a wildlife conservation
29 license provided for in [section 1] or to apply for or purchase for a nonresident's use the following resident
30 licenses and permits:

1 (a) wildlife conservation license;

2 (b) hunting license or permit; or

3 (c) fishing license or permit.

4 (8) (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of affirming to
5 or making a false statement to obtain a resident license or who is convicted of applying for or purchasing a
6 resident license in violation of subsection (7) shall be:

7 (i) fined not less than the greater of \$100 or twice the cost of the nonresident license that authorized
8 the sought-after privilege or more than \$1,000;

9 (ii) imprisoned in the county jail for not more than 6 months; or

10 (iii) both fined and imprisoned.

11 (b) In addition to the penalties specified in subsection (8)(a), upon conviction or forfeiture of bond or bail,
12 the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt, fish, and trap
13 in Montana for not less than 18 months.

14 (9) It is a misdemeanor for a person to purposely or knowingly assist an unqualified applicant in
15 obtaining a resident license in violation of this section.

16 [(10) The department shall keep the applicant's social security number confidential, except that the
17 number may be provided to the department of public health and human services for use in administering Title
18 IV-D of the Social Security Act.]

19 (11) The department shall delete an applicant's social security number in any electronic database [5
20 years after the date that application is made for the most recent license]. (Bracketed language terminates or is
21 amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)"

22
23 **Section 6.** Section 87-2-201, MCA, is amended to read:

24 **"87-2-201. Wildlife conservation license prerequisite for other licenses -- exceptions.** Except as
25 provided in 87-2-803(5) and [section 1], it is unlawful for any person ~~or persons~~ to purchase any hunting, fishing,
26 or trapping license without first having obtained a wildlife conservation license ~~as hereinafter provided.~~"

27
28 **Section 7.** Section 87-2-202, MCA, is amended to read:

29 **"87-2-202. Application -- fee -- expiration.** (1) A wildlife conservation license must be sold upon written
30 application. The application must contain the applicant's name, age, [social security number,] occupation, street

1 address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana,
2 and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant
3 shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other
4 identification specified by the department to substantiate the required information when applying for a wildlife
5 conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity
6 and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license
7 agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the
8 time of application for licensure.

9 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be
10 recorded according to rules that the department may prescribe.

11 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$6.25, of which 25 cents
12 is a search and rescue surcharge.

13 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$9.25, of which 25 cents
14 is a search and rescue surcharge.

15 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the
16 wildlife conservation license or receipt indicating payment of the administrative fee in [section 1] as a prerequisite
17 to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional
18 fee may be used by the department only to encourage enhanced hunting access through the hunter
19 management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife
20 conservation license or receipt indicating payment of the administrative fee in [section 1] must be marked
21 appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee
22 is chargeable only once during any license year.

23 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses
24 the wildlife conservation license or receipt indicating payment of the administrative fee in [section 1] as a
25 prerequisite to purchase a hunting license, except a variably priced outfitter-sponsored Class B-10 or Class B-11
26 license issued under 87-1-268, an additional hunting access enhancement fee of \$10 is assessed. The
27 additional fee may be used by the department only to encourage enhanced hunting access through the hunter
28 management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife
29 conservation license or receipt indicating payment of the administrative fee in [section 1] must be marked
30 appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement

1 fee is chargeable only once during any license year.

2 (4) Licenses issued are void after the last day of February next succeeding their issuance.

3 [(5) The department shall keep the applicant's social security number confidential, except that the
4 number may be provided to the department of public health and human services for use in administering Title
5 IV-D of the Social Security Act.]

6 (6) The department shall delete the applicant's social security number in any electronic database [5
7 years after the date that application is made for the most recent license]. (Subsections (3)(c) and (3)(d) terminate
8 March 1, 2006--sec. 9, Ch. 216, L. 2001; bracketed language terminates or is amended on occurrence of
9 contingency--sec. 3, Ch. 321, L. 2001; the \$2 wildlife conservation license fee increases in subsections (3)(a)
10 and (3)(b) void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"

11
12 **Section 8.** Section 87-2-203, MCA, is amended to read:

13 **"87-2-203. Unlawful sales of licenses.** It ~~shall be~~ is unlawful for any license agent to sell any hunting,
14 fishing, or trapping license to any person who does not present ~~his~~ the person's wildlife conservation license or
15 receipt indicating payment of the administrative fee in [section 1] at the time of application for ~~such~~ hunting,
16 fishing, or trapping licenses."

17
18 **Section 9.** Section 87-2-204, MCA, is amended to read:

19 **"87-2-204. Disposition of wildlife conservation license and administrative fees.** The fees from the
20 wildlife conservation license ~~shall~~ and the administrative fees collected pursuant to [section 1] must be delivered
21 to the state treasurer and deposited by ~~him~~ the treasurer in the state special revenue fund to the credit of the
22 department in accordance with the provisions of 87-1-601."

23
24 **Section 10.** Section 87-2-205, MCA, is amended to read:

25 **"87-2-205. False statement in license or administrative fee application.** It is unlawful to subscribe
26 to any false statement in an application for a wildlife conservation license or when paying an administrative fee
27 pursuant to [section 1]."

28
29 **Section 11.** Section 87-2-304, MCA, is amended to read:

30 **"87-2-304. Class B-4--two-day nonresident fishing license.** Any person not a resident, as defined

1 in 87-2-102, who is a holder of a valid wildlife conservation license or who has proof of payment of the
2 administrative fee pursuant to [section 1], upon payment of the sum of \$15 to any agent of the department
3 authorized to issue fishing and hunting licenses, is entitled to a 2-day nonresident fishing license that authorizes
4 the holder to fish with hook and line, as prescribed by rules and regulations of the department, for 2 calendar
5 days as indicated on the license."

6
7 **Section 12.** Section 87-2-306, MCA, is amended to read:

8 **"87-2-306. Paddlefish tags.** (1) The department may issue paddlefish tags to persons listed in
9 subsection (2) for a fee of \$5 for residents and \$15 for nonresidents. Each tag authorizes the holder to fish with
10 hook and line for paddlefish as prescribed by rules of the department.

11 (2) The following persons may obtain paddlefish tags pursuant to this section:

12 (a) holders of valid Class A, Class A-8, Class B, Class B-4, and Class B-5 fishing licenses;

13 (b) residents under 15 years of age with a valid wildlife conservation license or receipt indicating
14 payment of the administrative fee in [section 1]; and

15 (c) residents 62 years of age or older with a valid wildlife conservation license or receipt indicating
16 payment of the administrative fee in [section 1]."

17
18 **Section 13.** Section 87-2-307, MCA, is amended to read:

19 **"87-2-307. Class B-5--ten-day nonresident fishing license.** Any person not a resident, as defined
20 in 87-2-102, who is a holder of a valid wildlife conservation license or who has a receipt indicating payment of
21 the administrative fee in [section 1], upon payment of the sum of \$43.50 to any agent of the department
22 authorized to issue fishing and hunting licenses, is entitled to a 10-day nonresident fishing license that authorizes
23 the holder to fish with hook and line, as prescribed by rules and regulations of the department, for 10 consecutive
24 days as indicated on the license."

25
26 **Section 14.** Section 87-2-308, MCA, is amended to read:

27 **"87-2-308. Class A-8--resident temporary fishing license.** (1) Any resident, as defined in 87-2-102,
28 who is a holder of a valid wildlife conservation license or who has proof of payment of the administrative fee in
29 [section 1] is entitled to a resident temporary fishing license authorizing the holder to fish with hook and line in
30 designated waters, for a period of time determined by the commission and indicated on the license, upon

1 payment to any agent of the department authorized to issue fishing licenses of the amount determined by the
2 commission. Cost of the license and length of time for which the license is effective must be set:

3 (a) at an amount that is less than the Class A resident fishing license; and

4 (b) at an amount and for a length of time that the commission determines will serve at a reasonable
5 price the needs of residents who fish occasionally.

6 (2) Terms and conditions of the license must be prescribed by rules of the commission."
7

8 **Section 15.** Section 87-2-403, MCA, is amended to read:

9 **"87-2-403. (Temporary) Wild turkey tags and fee.** (1) The department may issue wild turkey tags to
10 the holder of a valid Class A-1 license or nonresident wildlife conservation license, to a nonresident who has
11 proof of payment of the administrative fee in [section 1], or as set out in subsection (3). Each tag entitles the
12 holder to hunt one wild turkey and possess the carcass of the turkey, during times and places that the
13 commission authorizes an open season on wild turkey.

14 (2) The fee for a wild turkey tag is \$5 for a resident and \$115 for a nonresident. Turkey tags must be
15 issued either by a drawing system or in unlimited number as authorized by department rules.

16 (3) Subject to the provisions of subsection (2), a person who is 62 years of age or older as provided in
17 87-2-801, certified as disabled under 87-2-803, or a resident minor as described in 87-2-805 may purchase a
18 wild turkey tag upon presentation of that person's wildlife conservation license or proof of payment of the
19 administrative fee in [section 1]. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

20 **87-2-403. (Effective March 1, 2006) Wild turkey tags and fee.** (1) The department may issue wild
21 turkey tags to the holder of a valid Class A-1 license or nonresident wildlife conservation license, to a
22 nonresident who has proof of payment of the administrative fee in [section 1], or as set out in subsection (3).
23 Each tag entitles the holder to hunt one wild turkey and possess the carcass of the turkey, during times and
24 places that the commission authorizes an open season on wild turkey.

25 (2) The fee for a wild turkey tag is \$5 for a resident and \$105 for a nonresident. Turkey tags must be
26 issued either by a drawing system or in unlimited number as authorized by department rules.

27 (3) Subject to the provisions of subsection (2), a person who is 62 years of age or older as provided in
28 87-2-801, certified as disabled under 87-2-803, or a resident minor as described in 87-2-805 may purchase a
29 wild turkey tag upon presentation of that person's wildlife conservation license or proof of payment of the
30 administrative fee in [section 1]."

Section 16. Section 87-2-504, MCA, is amended to read:

"87-2-504. (Temporary) Class B-7 and B-8--nonresident deer licenses. (1) (a) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is a holder of a nonresident conservation license or has proof of payment of the nonresident administrative fee in [section 1] may, upon payment of the proper fee or fees and subject to the limitations prescribed by law and department regulation, be entitled to apply to the fish, wildlife, and parks office, Helena, Montana, to purchase one each of the following licenses:

(i) Class B-7, deer A tag, \$250;

(ii) Class B-8, deer B tag, \$75.

(b) The license entitles a holder who is 12 years of age or older to hunt the game animal or animals authorized by the license and to possess the carcasses of those animals as authorized by commission rules.

(2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be assigned for use in a specific administrative region or regions or a portion of a specific administrative region or regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state, except as provided in 87-2-512(1)(d). Not more than 5,000 Class B-7 licenses may be sold in any license year.

(3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by hunting districts, portions of a hunting district, groups of districts, or administrative regions. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

87-2-504. (Effective March 1, 2006) Class B-7 and B-8--nonresident deer licenses. (1) (a) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is a holder of a nonresident conservation license or has proof of payment of the nonresident administrative fee in [section 1] may, upon payment of the proper fee or fees and subject to the limitations prescribed by law and department regulation, be entitled to apply to the fish, wildlife, and parks office, Helena, Montana, to purchase one each of the following licenses:

(i) Class B-7, deer A tag, \$250;

(ii) Class B-8, deer B tag, \$75.

(b) The license entitles a holder who is 12 years of age or older to hunt the game animal or animals authorized by the license and to possess the carcasses of those animals as authorized by commission rules.

(2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be assigned for use in a specific administrative region or regions or a portion of a specific administrative region or regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state, except as provided in 87-2-512(1)(d).

(3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by hunting districts, portions of a hunting district, groups of districts, or administrative regions."

Section 17. Section 87-2-505, MCA, is amended to read:

"87-2-505. (Temporary) Class B-10--nonresident big game combination license. (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$625 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) or upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202 or the nonresident administrative fee as prescribed in [section 1]. Not more than 11,500 unreserved Class B-10 licenses may be sold in any 1 license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission.

(3) A holder of a Class B-10 nonresident big game combination license may apply for a Class B-12 nonresident antlerless elk B tag license when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is \$270. The license entitles the holder to hunt in the hunting district or portion of a hunting district and under the terms and conditions specified by the commission. (Terminates March 1, 2006--secs. 1,

2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999; sec. 9, Ch. 216, L. 2001.)

87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license. (1)

Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$550 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license ~~which shall entitle~~ that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses; and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202 or the nonresident administrative fee as prescribed in [section 1]. Not more than 17,000 Class B-10 licenses may be sold in any 1 license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission.

(3) A holder of a Class B-10 nonresident big game combination license may apply for a Class B-12 nonresident antlerless elk B tag license when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is \$270. The license entitles the holder to hunt in the hunting district or portion of a hunting district and under the terms and conditions determined by the commission."

Section 18. Section 87-2-510, MCA, is amended to read:

"87-2-510. (Temporary) Class B-11--nonresident deer combination license. (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of \$325 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), upon payment of the fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter or upon payment of the fee of \$325 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses.

1 This license includes the nonresident wildlife conservation license as prescribed in 87-2-202 or the nonresident
2 administrative fee as prescribed in [section 1].

3 (2) Not more than 2,300 unreserved Class B-11 licenses may be sold in any 1 license year.

4 (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer
5 combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits
6 established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L.
7 1999; sec. 9, Ch. 216, L. 2001.)

8 **87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license.** (1) Except
9 as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years
10 of age or older or who will turn 12 years old before or during the season for which the license is issued may,
11 upon payment of a fee of \$300, purchase a Class B-11 nonresident deer combination license that entitles a
12 holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. The
13 fee for a Class B-11 license is \$300 if the license is one of the 4,000 reserved pursuant to 87-2-511 for
14 applicants indicating their intent either to use the services of a licensed outfitter or to hunt with a resident sponsor
15 on land owned by that sponsor. The license is subject to the limitations prescribed by law and department
16 regulation. A person may apply for a license to the fish, wildlife, and parks office, Helena, Montana. This license
17 includes the nonresident wildlife conservation license as prescribed in 87-2-202 or the nonresident administrative
18 fee as prescribed in [section 1].

19 (2) Six thousand Class B-11 licenses are authorized for sale each license year.

20 (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer
21 combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits
22 established by the commission."
23

24 **Section 19.** Section 87-2-701, MCA, is amended to read:

25 **"87-2-701. (Temporary) Special licenses.** (1) An applicant who is 12 years of age or older or who will
26 turn 12 years old before or during the season for which the license is issued and is the holder of a resident
27 wildlife conservation license or a nonresident wildlife conservation license or who has paid an administrative fee
28 pursuant to [section 1] may apply for a special license that, in the judgment of the department, is to be issued
29 and shall pay the following fees:

30 (a) moose--resident, \$75; nonresident, \$750;

- (b) mountain goat--resident, \$75; nonresident, \$750;
- (c) mountain sheep--resident, \$75; nonresident, \$750;
- (d) antelope--resident, \$11; nonresident, \$200;
- (e) grizzly bear--resident, \$50; nonresident, \$300;
- (f) black bear--nonresident, \$350;
- (g) wild buffalo or bison--resident, \$75; nonresident, \$750.

(2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear, the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy license authorizes the holder to possess and transport the trophy.

(3) Special licenses must be issued in a manner prescribed by the department. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

87-2-701. (Effective March 1, 2006) Special licenses. (1) An applicant who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license or who has paid an administrative fee pursuant to [section 1] may apply for a special license that, in the judgment of the department, is to be issued and shall pay the following fees:

- (a) moose--resident, \$75; nonresident, \$980;
- (b) mountain goat--resident, \$75; nonresident, \$980;
- (c) mountain sheep--resident, \$75; nonresident, \$980;
- (d) antelope--resident, \$11; nonresident, \$180;
- (e) grizzly bear--resident, \$50; nonresident, \$300;
- (f) black bear--nonresident, \$330;
- (g) wild buffalo or bison--resident, \$75; nonresident, \$750.

(2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear, the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy license authorizes the holder to possess and transport the trophy.

(3) Special licenses must be issued in a manner prescribed by the department."

Section 20. Section 87-2-711, MCA, is amended to read:

"87-2-711. (Temporary) Class AAA--combination sports license. (1) A resident, as defined by

87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued is entitled to:

(a) upon payment of the sum of \$54, plus the resident hunting access enhancement fee in 87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, A-5, and resident conservation licenses as prescribed in 87-2-202 or to payors of the administrative fee prescribed in [section 1]; or

(b) upon payment of the sum of \$64, plus the resident hunting access enhancement fee in 87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license.

(2) The department may furnish each holder of a combination sports license an appropriate decal. (Terminates March 1, 2006--sec. 9, Ch. 216, L. 2001.)

87-2-711. (Effective March 1, 2006) Class AAA--combination sports license. (1) A resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued is entitled to:

(a) upon payment of the sum of \$54, a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, A-5, and resident conservation licenses as prescribed in 87-2-202 or to payors of the administrative fee as prescribed in [section 1]; or

(b) upon payment of the sum of \$64, a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license.

(2) The department may furnish each holder of a combination sports license an appropriate decal."

Section 21. Section 87-2-801, MCA, is amended to read:

"87-2-801. Residents over sixty-two years of age -- resident or nonresident legion of valor members. (1) A resident, as defined in 87-2-102, who is 62 years of age or older is entitled to fish and hunt game birds with a conservation license issued by the department or with proof of payment of the administrative fee in [section 1]. The form of the license must be prescribed by the department.

(2) A resident who is 62 years of age or older is also entitled to purchase regular resident deer and elk tags at a price that is one-half of the fee paid by a resident who is 15 years old or older and who is under 62 years of age.

(3) Regardless of age, a resident, as defined in 87-2-102, or a nonresident who is a legion of valor member is entitled to fish with a conservation license issued by the department or with proof of payment of the administrative fee in [section 1]."

Section 22. Section 87-2-803, MCA, is amended to read:

"87-2-803. Persons with disabilities -- definitions. (1) Persons with disabilities are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license or with proof of payment of the administrative fee in [section 1] if they are residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental rule. A person who has purchased a conservation license or paid the administrative fee pursuant to [section 1] and purchased a resident fishing license or game bird license for a particular license year and who is subsequently certified as disabled is entitled to a refund for the fishing license or game bird license previously purchased for that license year. A person who is certified as disabled pursuant to subsection (3) and who was issued a permit to hunt from a vehicle for ~~license year 2000~~ or a subsequent license year is automatically entitled to a permit to hunt from a vehicle for subsequent license years if the criteria for obtaining a permit does not change.

(2) A resident of Montana who is certified as disabled by the department and who is not residing in an institution may purchase regular resident deer and elk licenses at one-half the fee paid by a resident who is 15 years of age or older and who is under 62 years of age. A person who has purchased a conservation license or paid the administrative fee pursuant to [section 1] and purchased a resident deer license or resident elk license for a particular license year and who is subsequently certified as disabled is entitled to a refund for the deer license or elk license previously purchased and reissuance of the license for that license year at the rate established in this subsection.

(3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle, on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to subsection (8). The department shall adopt rules to establish a voluntary board or boards of review to resolve any disputes over whether a person meets the criteria established in subsection (8). Each board must have at least one Montana-licensed physician as a member.

(4) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection as a permitholder, may hunt by shooting a firearm from the shoulder, berm, or barrow pit right-of-way of a public highway, as defined in 61-1-202, except a state or federal highway, or may hunt by shooting a firearm from

1 within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way in a manner
2 that will not impede traffic or endanger motorists or that is parked in an area, not a public highway, where hunting
3 is permitted. This subsection does not allow a permitholder to shoot across the roadway of any public highway
4 or to hunt on private property without permission of the landowner. A permitholder must have a companion to
5 assist in immediately dressing any killed game animal. The companion may also assist the permitholder by
6 hunting a game animal that has been wounded by the permitholder when the permitholder is unable to pursue
7 and kill the wounded game animal. Any vehicle from which a permitholder is hunting must be conspicuously
8 marked with an orange-colored international symbol of persons with disabilities on the front, rear, and each side
9 of the vehicle, or as prescribed by the department.

10 (5) (a) A resident of Montana who is certified by the department as experiencing blindness, as defined
11 in 53-7-301, may be issued a lifetime fishing license for the blind upon payment of a one-time fee of \$10. The
12 license is valid for the lifetime of the blind individual and allows the licensee to fish as authorized by department
13 rule. An applicant for a license under this subsection need not obtain a wildlife conservation license or pay an
14 administrative fee pursuant to [section 1] as a prerequisite to licensure.

15 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may
16 be issued regular resident deer and elk licenses in the manner provided in subsection (2); and must be
17 accompanied by a companion, as provided in subsection (4).

18 (6) The department shall adopt rules to establish the qualifications that a person must meet to be a
19 companion and may adopt rules to establish when a companion can be a designated shooter for a disabled
20 person.

21 (7) As used in this section, "disabled person", "person with a disability", or "disabled" means or refers
22 to a person experiencing a condition medically determined to be permanent and substantial and resulting in
23 significant impairment of the person's functional ability.

24 (8) A person is entitled to a permit to hunt from a vehicle if the person:

25 (a) is certified by a licensed physician to be dependent on an oxygen device or dependent on a
26 wheelchair, crutch, or cane for mobility;

27 (b) is an amputee above the wrist or ankle; or

28 (c) is certified by a licensed physician to be unable to walk, unassisted, 600 yards over rough and
29 broken ground while carrying 15 pounds within 1 hour and to be unable to handle and maneuver up to 25
30 pounds.

(9) Certification by a licensed physician under subsection (8) must be on a form provided by the department.

(10) A person who disagrees with a determination of eligibility for a permit to hunt from a vehicle may request a review by a voluntary board of review pursuant to subsection (3)."

Section 23. Section 87-2-805, MCA, is amended to read:

"87-2-805. Persons under eighteen years of age -- youth combination sports license. (1) Resident minors who are 12 years of age or older and under 15 years of age may fish and may hunt upland game and migratory game birds during the open season with only a conservation license or proof of payment of the administrative fee pursuant to [section 1]. Resident minors who are 15 years of age may hunt migratory game birds with only a conservation license or proof of payment of the administrative fee pursuant to [section 1]. Resident minors who are under 12 years of age may fish without a license. A nonresident person under 15 years of age may not fish in or on any Montana waters without first having obtained a Class B, B-4, or B-5 fishing license unless the nonresident person under 15 years of age is in the company of an adult in possession of a valid Montana fishing license. The limit of fish for the nonresident person and the accompanying adult combined may not exceed the limit for one adult as established by law or by rule of the department.

(2) A resident, as defined by 87-2-102, under 15 years of age may purchase Class A-3 and A-5 licenses at a price equal to one-half the fee paid by a resident who is 15 years of age or older and under 62 years of age.

(3) (a) A resident who is 12 years of age or older and under 18 years of age may purchase a youth combination sports license at a price that, rounded to the nearest dollar, is 46% of the fee paid for the Class AAA combination sports license by a resident who is 18 years of age or older and under 62 years of age. A resident who is 12 years of age or older and under 18 years of age and who applies for any hunting license for the first time is entitled to receive a youth combination sports license free of charge.

(b) The youth combination sports license includes:

(i) a conservation license or the administrative fee under [section 1];

(ii) a fishing license;

(iii) an upland game bird license;

(iv) an elk license; and

(v) a deer license.

(c) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A fishing

license at a price that is 50% of the fee paid by a resident who is 18 years of age or older and under 62 years of age.

(d) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A-1 upland game bird license at 50% of the fee paid by a resident who is 18 years of age or older and under 62 years of age.

(e) A person who lawfully purchases or is granted a free youth combination sports license at 17 years of age, but who reaches 18 years of age during that license year, may legally use the license during that license year. A person who hunts or fishes using a youth combination sports license purchased or granted free after the person reaches 18 years of age is guilty of a misdemeanor and shall be subject to any of the following penalties by the sentencing court:

(i) revocation of the person's hunting and fishing privileges for at least 5 years, revocation of the person's hunting and fishing privileges for more than 5 years, or revocation of the person's hunting and fishing privileges for life; and

(ii) a ~~monetary~~ fine of not less than \$500 and not more than \$5,000 in addition to the fine imposed on a person under this chapter for the specific hunting or fishing violation.

(f) This section does not prohibit a resident minor from purchasing any individual licenses for which the minor may be eligible under this chapter if the minor does not purchase the youth combination sports license."

Section 24. Section 87-3-504, MCA, is amended to read:

"87-3-504. Metal tags required on traps. A person trapping fur-bearing animals, predatory animals, or any other animals shall fasten a metal tag to all traps bearing in legible English the name and address or wildlife conservation license number of the trapper or proof of payment of an administrative fee pursuant to [section 1], except that a tag is not required on traps used by landowners trapping on their own land or on an irrigation ditch right-of-way contiguous to the land."

NEW SECTION. Section 25. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 2, and the provisions of Title 87, chapter 2, part 2, apply to [section 1].

COORDINATION SECTION. Section 26. Coordination instruction. If __ Bill. No. __ [LC 0233] is not passed and approved, then the bracketed language in [section 1(1)] is void.

1
2 NEW SECTION. **Section 27. Saving clause.** [This act] does not affect rights and duties that matured,
3 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

4

5 NEW SECTION. **Section 28. Effective date.** [This act] is effective January 1, 2006.

6

7 NEW SECTION. Section 29. Applicability. [This act] applies to license years beginning March 1, 2006.

8 - END -